

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 24, 2000**

**DIVISION TWO**

Court convened at 9:15 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and G. Villanueva, Deputy Clerk.

Each of the following:

B130400 People v. Pedro M.  
B133703 People v. Leonard H.  
B124184 People v. Bracamontes et al.  
B127746 People v. Jackson  
B132423 People v. Bryant  
B131004 People v. Choice  
B132430 People v. Gonzalez  
B122826 Kramer v. Wealth Enhancement  
B131240 People v. Arzu  
B131920 People v. Watson  
B127252 People v. Williams  
B135061 People v. Emmanuel D.  
B134453 In re Joseph R.  
B136582 In re Joana A.  
B129532 People v. Martin  
B134762 In re Matthew S.  
B130869 In re Brandon R.  
B134153 In re Shantae J.  
B135901 In re Cherry W.  
B131764 People v. Sweeny

Argument waived, cause submitted.

DIVISION TWO (Continued)

B129618     Karin Avery  
                 v.  
                 Paul Avery

Merits:  
Argued by Colin O'Connor for appellant and by Elizabeth Keschner for respondent. Cause submitted.

B124201     Harris  
                 v.  
                 CBS Radford Corp.

Appearances:  
Jocelyn Harris for appellant and by Mary Zachar for respondent. Argument waived, cause submitted.

B132690     Pacific Pipeline  
                 v.  
                 Hood Corp

Merits:  
Argued by Robert Crockett for appellant and by Alan Greenberg for respondent. Cause submitted.

B134549     Campbell  
                 v.  
                 Fuentes

Merits:  
Argued by Adam Maransell for appellant and by Steven Dawson for respondents. Cause submitted.

DIVISION TWO (Continued)

B127335      Scherr  
                 v.  
                 20th Century Insurance Co.

Merits:  
Argued by Margaret Wiley for appellant and by Brian Heffernan for respondent. Cause submitted.

B128282      Desantis  
                 v.  
                 Snider et al.

Merits:  
Argued by Richard DeSantis for appellant and by Timothy O'Brien and Fred Martino for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Mallano, J. (Assigned) and R. Hernandez, Deputy Clerk.

B133653      Los Angeles County, D.C.F.S.  
                 v.  
                 Barbara B.

Merits:  
Argued by Lori Fields for appellant and by Michelle Ben-Hur, deputy county counsel, for respondent. Cause submitted.

B131285      Schlotfeldt  
                 v.  
                 Commercial Underwriters

Merits:  
Argued by Michael Glenn for appellant and by Richard Nakamura for respondent. Cause submitted.

DIVISION TWO (Continued)

B128555 Kay  
v.  
Pick

Merits:

Argued by Steven Rein for appellant and by Robert Budd for respondent.  
Cause submitted.

B137851 Jose & Sylvia J.  
v.  
Superior Court, Los Angeles County  
(Children & Family Services, r.p.i.)

Merits:

Argued by Albert Morris and William Paparian for petitioners and by Gary Gross, deputy county counsel, for real party in interest. Cause submitted.

B128762 Nightengale  
v.  
Los Angeles Times

Merits:

Argued by Ken Nathanson for appellant and by Sharyl Bilas for respondent.  
Cause submitted.

B123993 Mazzola  
v.  
Richardson et al.

Merits:

Argued by Paul Hoffman for appellant and by Vincent Cox and Anthony Gordon for respondents. Cause submitted.

Court Adjourned.

### DIVISION THREE

B130786      People                                  (Not for Publication)  
v.  
David Eugene Brooks

The judgment is modified to strike the enhancement under Penal Code section 12022.53, subdivision (b), imposed and stayed as to the count of residential burglary. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

B130404 People (Not for Publication)  
v.  
Salinas

For the foregoing reasons, the judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

B130881      Los Angeles County, D.C.F.S.  
v.  
Courtney T.

Filed order modifying opinion. (No change in the judgment)

B134117      Los Angeles County, D.C.F.S.  
v.  
Warren W.

Filed order denying petition for rehearing.

DIVISION FIVE

B124790 New England Tomato Company (Not for Publication)  
v.  
Todd M. Sloan

The judgment is reversed with respect to that portion of the judgment apportioning 20 percent of the comparative fault to Bryan Cave. The matter is remanded for a limited retrial on the issue of who is to bear the 20 percent responsibility allocated in the first trial due to plaintiff, New England Tomato Co., defendant, Todd M. Sloan; or other lawyer including Bryan Cave. The order granting a partial judgment notwithstanding the verdict is reversed. Upon issuance of the remittitur, the judgment is to be increased by \$75,021 subject to a reduction for the percentage of fault allocatable to plaintiff, New England Tomato Co. In all other respects, the judgment is affirmed. Each side to bear their own cost on appeal.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B132901      People                                  (Not for Publication)  
v.  
Aloit Ridgeway

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                          Grignon, J.

DIVISION FIVE (Continued)

B134686      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Deborah K., et al.

The orders are affirmed.

Armstrong, J.

We concur:    Grignon, Acting P.J.  
                  Godoy Perez, J.

B128334      Rosana Desoto                      (Not for Publication)  
v.  
Bruce A. Clemens et al.

The judgment is affirmed.

Armstrong, J.

We concur:    Turner, P.J.  
                  Grignon, J.

B127097      People                              (Certified for Partial Publication)  
v.  
Terry McCoy

The judgment is modified to reflect the imposition of the \$2,500 Penal Code sections 1202.4, subdivision (b)(1), and 1202.45 restitution fines discussed in the opinion. The judgment is affirmed in all other respects.

Turner, P.J.

I concur:      Grignon, J.  
I dissent:      Godoy Perez, J. (Opinion)

April 24, 2000-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B124467 County of Santa Barbara (Not for Publication)  
v.  
Columbia Square Ltd.

The judgment is affirmed. Costs are awarded to County.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B131176 People (Not for Publication)  
v.  
Martinez

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.



DIVISION SEVEN (Continued)

B130640 People v. Lopez (Not for Publication)

The judgment is reversed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B128666      Tabello      (Not for Publication)  
v.  
Department of Health

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

[illegible]

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur:   Lillie, P.J.  
                      Neal, J.

## DIVISION SEVEN (Continued)

B129553      Furutani                                  (Not for Publication)  
v.  
Furutani  
Robin et al.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B133630      Hamilton      (Not for Publication)  
v.  
Metropolitan Transit Authority

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B132950 Farmers Insurance Exchange (Not for Publication)  
v.  
Martinez

The order of dismissal is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

## DIVISION SEVEN (Continued)

B134450      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Melissa C.  
In re Andrew R., a minor

The judgment of the juvenile court is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.

B130197 People (Not for Publication)  
v.  
Vargas

The superior court shall cause its clerk to issue an amended abstract of judgment stating appellant was convicted by jury trial and that one prior prison term enhancement allegation was found true under section 667.5, subdivision (b) and to forward it to the California Department of Corrections. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B120256      Mercury Insurance Company  
v.  
Enterprise Rent-A-Car Company

Filed order certifying opinion for publication.

## DIVISION SEVEN (Continued)

B131493 People (Not for Publication)  
v.  
Hinn

The judgment is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

B130614      Jackson      (Not for Publication)  
v.  
Cohen

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B136106      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Julie N.  
In re Stephanie B., a minor

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

## DIVISION SEVEN (Continued)

B135750 People (Not for Publication)  
v.  
Robinson

The conviction in count 2 for receiving stolen property is reversed. As modified the judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B127306      Rhodes      (Not for Publication)  
v.  
Aguilar

That part of the order modifying respondent's child support payment and setting support arrearage is reversed to the extent that it provides that "no further interest shall accrue on the arrearage." The order is affirmed in all other respects. Each party is responsible for its own costs incurred in connection with the appeal.

Woods, J.

We concur:   Lillie, P.J.  
                      Neal, J.

B119252 Rayburn (Not for Publication)  
B121392 v.  
Aazami

The appeal (No. B119252) from the order denying the motion for reconsideration is dismissed. The appeal (No. B121392) from the default judgment is affirmed. Respondent is entitled to costs incurred in connection with this appeal.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

DIVISION SEVEN (Continued)

B115442      New Mexico Life Ins. Co.                      (Not for Publication)  
                 v.  
                 Quackenbush

The judgment is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                 Neal, J.

B127243      People    (Not for Publication)  
                 v.  
                 Elder

The judgment is affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                 Neal, J.

B129623      Alliance of Small Emitters                      (Not for Publication)  
                 v.  
                 South Coast Air Quality Management Dist.

The judgment is affirmed. Respondent is entitled to recover the costs incurred in connection with this appeal.

Woods, J.

We concur:   Lillie, P.J.  
                 Neal, J.

DIVISION SEVEN (Continued)

B132192      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

Leighann H.

In re Andrea D., a minor

The order of the juvenile court is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.

Neal, J.

B135140      Tolwin      (Not for Publication)

v.

Cedars-Sinai Medical Center

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur:   Johnson, Acting P.J.

Neal, J.

B128188      People      (Not for Publication)

v.

Figueroa

The judgment is affirmed.

Woods, J.

We concur:   Johnson, Acting P.J.

Neal, J.

DIVISION SEVEN (Continued)

B131968      McCormack                      (Not for Publication)  
                 v.  
                 McCormack

The court's order is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Lillie, P.J.  
                 Neal, J.

B133927      Sabir                                      (Not for Publication)  
                 v.  
                 Day

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Lillie, P.J.  
                 Johnson, J.

B130292      People                                      (Not for Publication)  
                 v.  
                 Rim

The judgment is affirmed.

Chavez, J. (Assigned)

We concur: Woods, Acting P.J.  
                 Neal, J.